

PROB 12B
(7/93)

Report Date: August 25, 2010

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 30 2010

JAMES R. LARSEN DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Thomas Jefferson Franklin

Case Number: 2:04CR00066-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 06/24/2005

Type of Supervision: Supervised Release

Original Offense: Distribution of a Mixture or
Substance Containing Cocaine Base, 21 U.S.C. §
841(a)(1); Distribution of 5 Grams or More of a
Mixture or Substance Containing Cocaine Base, 21
U.S.C. § 841(a)(1)

Date Supervision Commenced: 01/22/2010

Original Sentence: Prison - 94 months;
TSR - 48 months

Date Supervision Expires: 01/21/2014

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 18 You shall complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement absent further order of the Court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.
- 19 You shall take medications prescribed by the licensed mental health treatment provider.

CAUSE

Mr. Franklin released from custody on January 22, 2010, to the Central District of California. On August 24, 2010, the undersigned officer was notified by the Central District of California that Mr. Franklin was considered in violation of his conditions of supervised release by consuming controlled substances on July 7 and 29, 2010, and again on August 20, 2010. In response to the alleged violation behavior, which Mr. Franklin has admitted to, the probation office is asking for a modification of Mr. Franklin's conditions to include mental health treatment. Mr. Franklin signed the attached waiver of hearing after being advised of his right to counsel and a hearing before Your Honor.

The Central District of California has also requested that jurisdiction in this case be transferred as Mr. Franklin does not intend on returning to the Eastern District of Washington. Two Prob 22 forms are attached for review. If Your Honor concurs with the transfer of jurisdiction, please sign these forms and return to the undersigned, for forwarding to the Central District of California for processing with their clerk's office.

Prob 12B

Re: Franklin, Thomas Jefferson

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/25/2010

s/Samuel Najera

Samuel Najera
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

Fred Van Biele

Signature of Judicial Officer

August 26, 2010

Date

PROB 49
(3/89)

United States District Court

____ Eastern _____ District _____ Washington _____

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The offender shall participate in mental health treatment, which may include evaluation and counseling, and take all prescribed psychotropic medications until discharged from the treatment by the treatment provider, with the approval of the Probation Officer. The offender shall participate in mental health treatment, which may include evaluation and counseling, until discharged from the treatment by the treatment provider, with the approval of the Probation Officer.

The Probation Officer shall disclose the Presentence Report and/or previous mental health evaluations and reports to the mental health provider. The treatment provider may provide information (excluding the Presentence Report) to state and local agencies (such as the State of California Department of Social Services), for the purpose of the client's rehabilitation.

Witness

W. Monym
U.S. Probation Officer

Signed:

Thomas J. Frank
Probationer or Supervised Releasee

8/4/2010
Date